

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP, BI-
LEVEL PAP, AND MECHANICAL
VENTILATOR PRODUCTS LITIGATION

Master Docket: Misc. No. 21-mc-1230

MDL No. 3014

This document relates to:

All Actions

**NOTICE OF CATEGORY 4 CASES FOR PHILIPS’
SECOND AMENDED MASTER THIRD-PARTY COMPLAINT FOR CONTRIBUTION**

In accordance with the Court’s May 7, 2025 Order (ECF No. 3334), the Philips parties hereby submit a list of the short form complaints directly filed in this Court pursuant to PTO #28(b) and for which this Court is not the intended home court. These are the cases included in Category 4 of the May 7 Order (pp. 31-32).

Further, consistent with the Court’s May 7 Order, the Philips parties sent counsel for all plaintiffs in Category 4 cases an email on May 13, 2025 informing them of the need to modify PTO #28(b) to address the issue raised by the Court relating to “transfer” versus “remand.” The Philips parties proposed substituting “transfer” for “remand” in the following sentence from PTO #28(b): “If the Personal Injury Plaintiff’s case is filed directly into this MDL pursuant to this Order after the filing of the Second Amended Complaint, identification of the federal district and division in which the action otherwise would have been filed absent the direct filing procedure set forth in this Order, which shall be the presumptive place of remand.” No counsel objected to this proposal.

Category 4 Cases

Last Name	First Name	W.D. Pa. Docket (Individual)	Dismissal	Jurisdiction in Absence of Direct Filing
Brady	William	W.D. Pa. 2:23-cv-00841-JFC		N.D. Ill.
Buonaiuto	Valentine	W.D. Pa. 2:24-cv-00652-JFC		S.D. Cal.
Campa	Roy	W.D. Pa. 2:23-cv-00383-JFC		E.D. Cal.
Chofey	Richard	W.D. Pa. 2:22-cv-01553-JFC		E.D. Pa.
Demiantchuk	Olga	W.D. Pa. 2:23-cv-00957-JFC		N.D. Ill.
Esber	Thomas	W.D. Pa. 2:23-cv-00852-JFC		D. Nev.
Gallaher	John	W.D. Pa. 2:22-cv-01815-JFC		S.D. Oh.
Gudmundsen	Lynn	W.D. Pa. 2:23-cv-00601-JFC		E.D. Wis.
Guy	Lawrence	W.D. Pa. 2:23-cv-01090-JFC		N.D. Cal.
Janus	David	W.D. Pa. 2:23-cv-00217-JFC		M.D. Pa.
Kost	Patricia	W.D. Pa. 2:23-cv-00798-JFC		N.D. Oh.
Lane	Judi	W.D. Pa. 2:22-cv-01820-JFC		S.D. Oh.
Mierzwa	Paul	W.D. Pa. 2:23-cv-00983-JFC		N.D. Ill.
Morgan	Joseph	W.D. Pa. 2:24-cv-00467-JFC		D. Minn.
Spatola	Anthony	W.D. Pa. 2:23-cv-00860-JFC		C.D. Cal.
Strobel	Traci	W.D. Pa. 2:23-cv-00329-JFC	Yes (11/13/24) ¹	N.D. Ill.
Wehmeyer	Michael Ray	W.D. Pa. 2:23-cv-01797-JFC		D. Mont.
Wells	Stacey	W.D. Pa. 2:23-cv-01205-JFC	Yes (1/16/25)	N.D. Oh.

¹ The two cases that have been dismissed were done so *after* the Philips parties filed their original third-party complaint for contribution on May 10, 2024 (ECF No. 2785). Both of these plaintiffs are participating in the master personal injury settlement.

Dated: May 21, 2025

/s/ Erik T. Koons

Erik T. Koons (NY Bar No. 2941102)
Baker Botts LLP
700 K St. NW
Washington, DC 20001
Telephone: (202) 639-7973
Fax: (202) 585-1086
erik.koons@bakerbotts.com

Andrew T. George (PA Bar No. 208618)
BOURELLY, GEORGE, + BRODEY
1050 30th Street, NW
Washington DC 20007
Telephone: (202) 753-5012
Fax: (703) 465-8104
andrew.george@bgblawyers.com

Counsel for Philips RS North America LLC

/s/ William B. Monahan

William B. Monahan (NY Bar No. 4229027)
Tracy Richelle High (NY Bar No. 3020096)
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
Telephone: (212) 558-4000
Fax: (212) 558-3588
hight@sullcrom.com
monahanw@sullcrom.com

Counsel for Koninklijke Philips N.V., Philips Holding USA, Inc., Philips North America LLC, and Philips RS North America Holding Corporation